

REMARKS

Status of the Claims

Applicants respectfully submit that the amendments and remarks presented herein put the claims in condition for allowance, and respectfully request reconsideration thereof.

Claims 1-26, 28-78, 84-91 and 181-447 were pending and had been examined. Claims 1, 184, 272, and 360 have been amended herein to more particularly point out and distinctly claim applicants' invention. Support for these amendments can be found at, for example, page 32, lines 14-18; FIG. 26; and claims 28, 210, 298, and 386 as originally filed.* No new matter has been introduced by these amendments, and applicants request their entry.

Claims 28, 210, 298, and 386 have been canceled herein without prejudice. Claims 31, 213, 301, and 389, which had previously referred to the canceled claims, have been amended herein accordingly.

Upon entry of the above amendments, claims 1-26, 29-78, 84-91, 181-209, 211-297, 299-385, and 387-447 remain in this application for further examination.

* The recitation of support for independent claims 1, 184, 272, and 360 is not meant to be exclusive. Support for the claims may be found elsewhere in the specification.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-26, 28-35, 41-78, 84-88, 91, 181-218, 220, 223-265, 268-305, 311-352, 354, 356-393, 399-440, 442, and 444-447 stand rejected under 35 U.S.C. § 103(a) as being unpatentable under Etheredge U.S. Patent 6,172,674 ("Etheredge") in view of Alexander et al. U.S. Patent 6,177,931 ("Alexander"). Claims 36-40, 89, 90, 219, 221, 222, 266, 267, 306-310, 353, 355, 394-398, 441 and 443 stand rejected under 35 U.S.C. § 103(a) under Etheredge in view of Alexander and Williams et al. U.S. Patent 5,977,964 ("Williams"). These rejections are respectfully traversed.

Independent Claims 1, 184, 272 and 360.

Applicants have amended claims 1, 184, 272, and 360 to incorporate the features of their respective dependent claims 28, 210, 298, and 386. Amended claims 1, 184, 272, and 360 are directed towards a television program guide system that displays a hot list of programs to a user. All of the programs identified in the hot list are substantially currently available for viewing by the user. Moreover, all of the programs on the hot list are also based on the preference profile associated with the user.

Furthermore, the user is provided with an option to display the hot list a predetermined period of time before the scheduled broadcast times of the programs on the hot list. The user is also provided with an option to adjust this predetermined period of time.

Applicants submit that amended claims 1, 184, 272, and 360 are patentable over Alexander and Etheredge, as they include at least the following three patentable improvements.

First, applicants' system includes a hot list that displays a list of programs that are substantially currently available for viewing. Indeed, the Examiner has correctly acknowledged the novelty of applicants' hot list, stating that "the combination of Etheredge and Alexander fails to teach all of the programs on the hot list are currently available for viewing by the user." (Office Action at page 3.)

Second, applicants' system includes providing an option for the user to display the hot list a predetermined period of time before the scheduled broadcast times of the listed programs. Again, the Examiner has correctly acknowledged the novelty of this feature. (*Id.* at page 4.)

Third, applicants' system includes providing an option for the user to adjust this predetermined period of time, which was previously recited in dependent claims 28, 210, 298, and 386. The Office Action improperly rejected claims 28, 210, 298, and 386 because it failed to treat or discuss these features (*Id.* at page 10). The Office Action also failed to point out where such features are disclosed (if at all) in the cited documents. Therefore, applicants submit that at least this feature alone constitutes a patentable improvement over Alexander and Etheredge.

Moreover, applicants submit that the Office Action particularly failed to support its contention that at least

these three features, when taken together in the manner of applicants' claimed invention, would have been rendered unpatentable in view of Alexander and Etheredge.

At best, the Office Action relied on taking Official Notice in order to contend that 1) applicants' hot list, and 2) displaying a program a predetermined period of time before the program is broadcast, would have been well known. (Id. at page 3 and page 4, respectively.) However, even assuming such Official Notices were properly taken, the Examiner failed to provide any support, suggestion, or motivation that the combination of these two features would have been well known.

Furthermore, as discussed above, applicants' claimed feature of providing an option for the user to adjust the predetermined time when displaying the hot list was not even properly addressed by the Office Action. Applicants submit that not only is this feature alone a patentable improvement, but such a feature in combination with all of the other features of applicants' invention would also certainly constitute a patentable improvement.

Therefore, applicants submit that providing the user with these options are patentable improvements over Etheredge and Alexander. Although the Examiner states that both Etheredge and Alexander refer to presenting and displaying various program guide screens to a user, only applicants' claimed invention includes the features in which the user is provided with the option of controlling and adjusting the time and occasion for displaying applicants' hot list.

Therefore, applicants submit that claims 1, 184, 272, and 360 are patentable over Etheredge and Alexander for at least any of the above reasons. Moreover, Williams provides no further teaching or suggestion, either alone or in combination with Etheredge and Alexander, that renders claims 1, 184, 272 and 360 unpatentable. Applicants respectfully request reconsideration and withdrawal of this rejection.


Dependent Claims

Claims 2-26, 29-78, 84-91, 181-183, 185-209, 211-271, 273-297, 299-359, 361-385, and 387-447, which depend from claims 1, 184, 272 and 360, are patentable for at least the same reasons that claims 1, 184, 272 and 360 are patentable. Applicants therefore request reconsideration and withdrawal of these rejections. In addition, applicants expressly reserve their right to argue the patentability of the subject matter of any one of the dependent claims in a future proceeding.

CONCLUSION

The foregoing demonstrates that all of the pending claims are patentable and are in condition for allowance. Reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,



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